

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3126
)	
V.)	
)	MEMORANDUM AND ORDER
TIMOTHY S. FULTON,)	
)	
Defendant.)	

The defendant has moved to continue the trial currently set for February 1, 2010. (Filing No. [28](#)). In support of his motion, defense counsel states he is unavailable on the scheduled trial date, and he needs additional time to either for plea negotiations or, in the alternative, to prepare for trial. The government does not oppose the requested continuance. The Court finds the motion to continue should be granted.

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. [28](#)), is granted.
- 2) The trial of this case is set to commence at 9:00 a.m. on March 8, 2010 for a duration of two trial days. Jury selection will be at the commencement of trial.
- 3) Based upon the showing set forth in defendant's motion and the representations of his counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and March 8, 2010 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

DATED this 21st day of January, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
Cheryl R. Zwart
United States Magistrate Judge